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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,433	03/03/2004	Jonathan DeLine	U02-0189-35	2432

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EXAMINER
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TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/708,433

Applicant(s)

DELINE, JONATHAN

Examiner

Marcos L. Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Response to Arguments***

2. Applicant's arguments filed 5-22-06 have been fully considered but they are not persuasive.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., independently movable housing, flip cover and display) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Shima disclose the above limitation, please see fig. 12 where housing, flip cover and display can be moved independently. The rejection in record stands.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima in view of Mizuta (EP 1298890).

As to claim 4, Shima discloses a mobile terminal for use in a wireless communication system, comprising: a housing having an inner major surface (see fig. 4a, item 22a, item and an opposed outer major surface and enclosing electronic components operable to transmit and receive telecommunication signals (see fig. 4b, item 22), the inner major surface of the housing including means for providing user input to the mobile terminal (see fig. 4a, item 3); a display having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing (see fig. 12, item 51), the display movably mounted to the housing for movement from a first position where the inner major surface of the display is opposite the inner major surface of the housing for at least partially concealing the user input means of the housing and a second position such that the user input means of the housing is exposed and accessible to the user; and a flip cover having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the inner major surface of the flip cover including means for

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providing user input to the mobile terminal, the flip cover pivotally mounted to the housing and movable between a closed position where the inner major surface of the flip cover is opposite the outer major surface of the display when the display is in the first position and an open position, the flip cover being sized to substantially conceal the outer major surface of the display and the inner major surface of the housing when in the closed position (see fig. 12; par. 0013-0015, 0093-0096), further comprising means for rotating the display (see fig. 12, item 63). Shima does not specifically disclose rotating the display interposed between the display and the pivotal mounting, the rotating means allowing the display to rotate in a direction perpendicular to the axis of the pivotal mounting for positioning one of the inner major surface or the outer major surface of the display against the inner major surface of the housing or the flip cover. In an analogous art, Mizuta discloses rotating the display interposed between the display and the pivotal mounting, the rotating means allowing the display to rotate in a direction perpendicular to the axis of the pivotal mounting for positioning one of the inner major surface or the outer major surface of the display against the inner major surface of the housing or the flip cover (see fig. 4a, 4b), thereby permitting to move the screen in the desired position. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to combine these teachings for the simple purpose of easier view to the user.

As to claim 5, Mizuta discloses a mobile terminal for use in a wireless communication system, further comprising a hinge connecting the housing, the flip cover, and the display, the hinge providing the axis of movement of the housing, the flip

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cover and the display, and wherein the display rotating means is a movable support attached to the hinge and to an edge of the display (see fig. 4a, 4b).

As to claim 6-9, Shima discloses a mobile terminal for use in a wireless communication system, comprising: a housing having an inner major surface (see fig. 4a, item 22a, item and an opposed outer major surface and enclosing electronic components operable to transmit and receive telecommunication signals (see fig. 4b, item 22), the inner major surface of the housing including means for providing user input to the mobile terminal (see fig. 4a, item 3); a display having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing (see fig. 12, item 51), the display movably mounted to the housing for movement from a first position where the inner major surface of the display is opposite the inner major surface of the housing for at least partially concealing the user input means of the housing and a second position such that the user input means of the housing is exposed and accessible to the user; and a flip cover having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the inner major surface of the flip cover including means for providing user input to the mobile terminal, the flip cover pivotally mounted to the housing and movable between a closed position where the inner major surface of the flip cover is opposite the outer major surface of the display when the display is in the first position and an open position, the flip cover being sized to substantially conceal the outer major surface of the display and the inner major surface of the housing when in the closed position (see fig. 12; par. 0013-0015, 0093-0096). Mizuta discloses a mobile

terminal for use in a wireless communication system, further comprising a rotational joint mounted between the housing and the display for allowing the display to rotate in a plane about an axis perpendicular longitudinal axis of the housing, wherein the display is mounted to the housing at a position along the longitudinal axis of the housing, wherein the rotational joint allows the display to rotate by at least about 90 degrees (see fig. 4a, 4b).

As to claim 10, Shima discloses a mobile terminal for use in a wireless communication system as recited in claim 6, wherein the user input means of the housing and the flip cover comprises a keypad apparatus disposed within the housing and the flip cover, the keypad apparatus also electrically connected to the electronic components in the housing so that tactile input can be received (see par. 0096).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any response to this Office Action should be mailed to:

U.S. Patent and Trademark Office  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

571-273-8300

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres  
Examiner  
Art Unit 2617

  
mlt

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER